

INTRODUCTION:

This investigation is regarding allegations of domestic violence from an incident that occurred on June 30, 2015, at approximately 1:00 a.m., at XXXXX S. Hamlin Avenue. Subject 1, the complainant, returned home from work to the residence she shared with her boyfriend, the accused, Probationary Police Officer (PPO) A.¹ Officer A and Subject 1 began arguing after Subject 1 saw her son's Lego toys on the kitchen floor and she woke up Officer A. Officer A walked into the kitchen to see Subject 1 throwing the toys and creating a large mess. Officer A later claimed that he entered the kitchen to speak with Subject 1 and he tripped over toys, which caused him to stumbled towards her. Subject 1 fell backward, also tripping over a toy, and tumbled to the floor. Following her fall, Subject 1 ran to their shared bedroom and called the police. Officer B and Officer C arrived at the residence to investigate the call made by Subject 1. When the officers discovered that Officer A was a police officer, they called a supervisor to assist them. Sergeant A arrived and spoke to Officer A and Subject 1 and subsequently told Officer A to leave for the night.

The investigation revealed that Sergeant A failed to initiate a complaint on Subject 1's behalf and/or completing a case report. Sergeant A later claimed that she did not initiate a complaint or generate a case report because Subject 1 did not personally tell her that Officer A pushed her during the incident. However, the evidence revealed that prior to her arrival at XXXXX S. Hamlin Avenue, Sergeant A was notified via the OEMC dispatch that she was responding to a domestic incident. Also, during her statement to IPRA, Sergeant A reviewed the provisions of G.O. 04-04 (Preliminary Investigations) and stated that, "as a new sergeant during that time, I jumped the gun." On July 02, 2015, Subject 1 went to the XXnd District Station and filed the complaint with the Department.

ALLEGATIONS:

On July 02, 2015, at approximately 1:04 p.m., Sergeant B, #XXXX, called the Independent Police Review Authority (IPRA)² and registered a complaint on behalf of Subject 1. It is alleged that on June 30, 2015, at approximately 1:00 a.m., at XXXXX S. Hamlin Avenue, while off duty, **Officer A, #XXXX, Unit XXX:**

1. Grabbed and pushed Subject 1 to the ground, in violation of Rule 8.

It is further alleged that on June 30, 2015, at approximately 1:20 a.m., at XXXXX S. Hamlin Avenue, **Sergeant A, #XXXX, Unit XXX:**

1. Responded to the domestic incident and failed to initiate a log number or complete a case report, in violation of Rule 6.

¹ PPO A's probationary period ended on or about February 25, 2016. Thus, PPO A will be referred to as Officer for the remainder of the report.

² On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.).

APPLICABLE RULES AND LAWS:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

G.O. G04-04-Domestic Incidents

750 ILCS 60/304(a)(7)-Illinois Domestic Violence Act.

INVESTIGATION:

In his **Initiation Report, Sergeant B, #XXXX**, indicated that on July 02, 2015, at approximately 1:04 p.m., Subject 1 arrived at the XXXnd District Station requesting to file a complaint against Officer A. Subject 1 alleged that Officer A grabbed her and threw her to the ground. Sergeant B informed Subject 1 that he needed to interview her after she finished filing her complaint with a front desk officer; however, Subject 1 left the XXXnd District Station after she filed the report without speaking to Sergeant B. (Att. 4)

IPRA attempted to contact Subject 1, by telephone, mail, and a personal visit to her parents' residence at XXXX Edward, Crete, IL 60417 with no success. Subject 1 failed to cooperate with this investigation. (Atts. 10, 11)

The **Chicago Police Department Original Case Incident Report (HY#XXXXXX)** indicates that on July 02, 2015, Subject 1 walked into the XXXnd District Station to file a complaint. Subject 1 reported that on June 30, 2015, she and Officer A got into a verbal altercation and during the altercation, Officer A grabbed her by the upper body area and threw her to the ground. Subject 1 called the police and officers responded. At the time of the officers' arrival, Subject 1 related that she did not want a report filed or Officer A to be arrested. The case report further indicates that the responding officers documented that they saw no signs of physical injury to Subject 1, nor did she complain of being injured. (Att. 5)

In a call to 911, **Office of Emergency Management and Communications (OEMC)**, Subject 1 reported that she needed police response to her residence at XXXXX S. Hamlin Avenue. She told the dispatcher that "her boyfriend threw her on the ground and that she wanted cops there while she packed her things and got her son out of the house." Subject 1 also related that her boyfriend, now known to be Officer A, had not been drinking and had not used a weapon. The OEMC recorded communications between the dispatchers and police indicates that Officers C, B, and Sergeant A responded to a domestic incident at XXXXX S. Hamlin Avenue. (Atts. 8, 9)

General Order G04-04: Preliminary Investigations identifies Department policy regarding domestic violence, provides guidelines for assisting victims and witnesses of domestic violence, and describes Department members' responsibilities in domestic violence incidents. Section III. B. states, "If a Chicago Police Department member is involved in the domestic violence incident, the responding member will request that a member who is of higher rank than the Department member involved in the domestic incident be assigned from the district of occurrence

as the investigating supervisor.” Section IV. A. states that” the Bureau of Patrol is responsible for conducting the preliminary investigation. Section IV. B. (references Illinois Domestic Violence Act) essentially indicates that Department members will “prepare the appropriate case report for any bona fide allegation of domestic violence.” Section VI. A. states, “For domestic incidents involving domestic violence in which an arrest is not made, the Department member will document the reason(s) in the narrative of the case report.” (Att. 27)

OFFICER STATEMENTS:

In a statement to IPRA on December 17, 2015, witness Officer B, #XXXX, stated that on June 30, 2015, at approximately 1:00 a.m., he and his partner, Officer C, #XXXXXX, responded to XXXXX S. Hamlin Avenue for a domestic altercation involving Officer A. Upon arrival, Officer B stated that he spoke to Subject 1 and Officer C spoke to Officer A. According to Officer B, Subject 1 related that she and Officer A had gotten into a verbal altercation that ended with Officer A “slamming” her to the ground. However, Subject 1 told Officer B that she did not want medical attention nor did she want Officer A to be arrested. Officer B learned from his partner, Officer C, that Officer A was a probationary police officer at the time. For this reason, they called a supervisor to the scene. Supervising Sergeant A arrived and spoke to both Subject 1 and Officer A separately. While Sergeant A was speaking with Subject 1 outside, Officer A told Officers B and C that he and Subject 1 had gotten into a verbal argument and that she had tripped over Lego toys on the kitchen floor. Officer B confirmed that he observed Lego toys on the floor. Sergeant A reentered the home and instructed Officers B and C to handcuff Officer A. She then went back outside and a few minutes later, returned and told the officers to take the handcuffs off Officer A because he was not going to be arrested. Officer B explained that he does not recall what Sergeant A said was the reason for him and Officer C handcuffing Officer A. Sergeant A instructed Officer A to pack an overnight bag and leave the house for the night. Officer B and his partner stayed at the residence until Officer A left. (Atts. 22, 23)

In a statement to IPRA on January 14, 2016, witness Officer C, #XXXXXX, stated that on June 30, 2015, at approximately 1:00 a.m., he and Officer B responded to XXXXX S. Hamlin Avenue for a domestic altercation involving Officer A. Officer C reiterated essentially the same account of the incident as his partner regarding who spoke to Subject 1 and Officer A. Officer C added that he spoke briefly to Subject 1 in the kitchen, where he noticed Lego toys on the floor. During his conversation with Subject 1, she was very serious and irritated, but she did not have any injuries. He also learned that Officer A was a Probationary Police Officer at that time. Officer C called dispatch via the police radio and requested a sergeant at the scene. Officer C said that he and Officer B spoke to Sergeant A about the incident, but he does not recall the specifics of their conversation. Officer C stated that his understanding of Department policy regarding domestic incidents involving police officers that although a victim of domestic abuse does not want to file charges against the offender, the responding sergeant (in this case) is required to ensure a case report is completed. (Atts. 25, 26)

In a statement to IPRA on October 14, 2015, accused Officer A stated that on June 30, 2015, at approximately 1:00 a.m., he was awoken by the sound of his girlfriend, Subject 1, throwing Lego toys against the walls of his home. He related that previously that day, he and his son (4 years of age), whose mother is Subject 1, were playing with the Lego toys and he forgot to put some of them away before they went to bed. Subject 1 was “very upset about that” and began arguing with Officer A. Subject 1 went into their son’s room, grabbed two large buckets of Lego

toys, and dumped them all over the kitchen floor. Officer A got out of bed and walked to the kitchen, where he asked Subject 1 what she was doing. He attempted to enter the kitchen but stumbled forward over the Lego toys that were on the floor. As he stumbled forward, Subject 1 “retracted back” and fell onto her backside in the kitchen. Officer A stated that when this happened, he “scoffed” or laughed at her. Subject 1 then stated something to the effect of, “Oh, this is bullshit,” and ran into their son’s room, where she got on the phone. Officer A did not know who she called, although he assumed it was her parents. He heard some of her conversation on the phone. According to Officer A, “She had said something about that I had thrown her to the ground. That I had gotten on top of her, and that I was choking and striking her.” Officer A denied the accusations made by Subject 1.

A short while later, a squad car arrived at Officer A’s residence and Officer A went out to meet Officers C and B. Officers C and B told Officer A that they were responding to a domestic disturbance call. Officer A identified himself as a Probationary Police Officer and Officers C and B called a supervisor. Sergeant A arrived and Officer A related essentially what is transcribed above regarding his interaction with Subject 1. Sergeant A entered the home to talk to Subject 1 and Officer A waited outside. Shortly after, Sergeant A returned and told Officer A that she did not see any physical signs of abuse on Subject 1, but that he should leave for the night anyways. Officer A further related that Sergeant A told him that Subject 1 wanted to file a complaint at first, but then changed her mind. Officer A packed a bag and left the residence for approximately a week. Officer A said that he did not have any contact with Subject 1 during that week. After about seven days, Officer A called Subject 1 and asked her if he could return to his home, to which she responded, “At your pleasure.”³ Following that conversation, Officer A returned home and Subject 1 had moved out of the home.

Officer A further related that he and Subject 1 are no longer in a relationship. The incident essentially broke them up. To his knowledge, Subject 1 is living in Crete, IL, with their son in her parents’ home. When asked why Subject 1 would accuse him of abuse if it did not occur, Officer A responded that he believed Subject 1 was not happy with him any more especially after he accepted a job with CPD. Subject 1 wanted them to live in Crete IL. (Atts. 15, 16)

In a **statement to IPRA on February 11, 2016, accused Sergeant A** stated that on June 30, 2015, at approximately 1:00 a.m., Officers C and B requested her assistance at XXXXX S. Hamlin Avenue for a domestic-related incident. Sergeant A received the request via the Portable Date Terminal (PDT) and she did not know at that time that a police officer was involved. When Sergeant A arrived at the location of the incident, Officers C and B informed her that Subject 1 was “highly intoxicated” and that Officer A was a police officer. Sergeant A instructed Officers C and B to stay with Officer A while she went to speak with Subject 1 in the back yard. Sergeant A said that she observed Subject 1 stumbling and could smell an odor of alcohol on her. Sergeant A asked Subject 1 if she was intoxicated and she stated that she had “something to drink.” Sergeant A does not recall what Subject 1 said she had to drink. Subject 1 began to complain about having to do all the house chores and looking after the kids. Sergeant A said that she spoke to Subject 1 for about an hour and she felt that Subject 1 only wanted to vent. Sergeant A stated that at no time during her conversation did Subject 1 tell her that Officer A had pushed her or hurt her in any way. Sergeant A however, said that incident between Officer A and Subject 1 was “domestic related.”

³ Officer A is the sole owner of the residence at 10533 S. Hamlin Avenue.

Sergeant A stated that because of Subject 1's intoxication level, she could not make up her mind about whether she wanted Officer A to leave or if she [Subject 1] was going to leave the house. Sergeant A told Subject 1 because of her indecisiveness, she was going to tell Officer A to leave.

According to Sergeant A, she entered the house and had a brief conversation with Officer A. Officer A identified himself as a PPO and related that when he arrived home on June 30, 2015, Subject 1 was upset and "she had been drinking."⁴ Subject 1 was upset and she threw Legos toys all over the floor in the kitchen. Officer A explained that Subject 1 did not want to be there and that they had been having problems in their relationship.⁵ Sergeant A told Officer A to pack an overnight bag and Officer A complied. After Officer A gathered his personal belonging, Sergeant A escorted him outside and watched him drive away in his vehicle.

The reporting investigator asked Sergeant A if she recalled instructing Officers C and B to handcuff Officer A prior to him leaving the house and Sergeant A said, "No, I don't. Oh wow, no." Sergeant A went on to say that during the incident, she assessed the situation and she did not think Officer A did anything wrong and she could not make sense of what Subject 1 was saying because of her level of intoxication. Sergeant A said that she did not observe any physical injuries to Subject 1 nor did Subject 1 request to file a case report against Officer A. Sergeant A stated that Officer A's demeanor was not consistent with a "domestic abuser" and that she would only complete a case report "if there were "truly a domestic incident." She stated that if there had been some evidence that a domestic incident occurred, a case report would have been completed. Sergeant A acknowledged that other than her supervisor management log, she did not complete a general offense case report or initiate a complaint on behalf of Subject 1.

Upon inquiry, the reporting investigator showed Sergeant A the Office of Emergency Management (OEMC) reports of the call Subject 1 made to 911 on June 30, 2016. Sergeant A stated that the report refreshed her memory and acknowledged that in the report, Subject 1 reported that Officer A slammed her to the ground. Sergeant A explained that although she does not recall instructing Officers C and B to handcuff Officer A, Subject 1's 911 call was most likely the reason that she instructed the officers to handcuff him. Although Sergeant A acknowledged that Subject 1 alleged that Officer A pushed her to the ground during the call to 911, Sergeant A stated that Subject 1 never made the allegation to her so she never filed the complaint against Officer A.

In addition, the reporting investigator informed Sergeant A that statements of Officers A, C, and B were conducted and neither one of them described Subject 1 as being intoxicated. The R/I asked Sergeant A how did she know for certain that Subject 1 was intoxicated and Sergeant A stated that she was confident that Subject 1 was "highly intoxicated" because she smelled alcohol on her breath, Subject 1 had slurred speech and she could hardly walk. The R/I asked Sergeant A to review General Order G04-4 (Preliminary Investigations)⁶ page 5, section VI. A., which indicates, "for domestic incidents involving domestic violence in which an arrest is not made, the Department member will document the reason(s) in the narrative of the case report." The R/I asked Sergeant A if after reading the specified section in the general order was she required to complete a case incident report for this incident. Sergeant A replied, "as a new sergeant during that time, I

⁴ Upon inquiry, Sergeant A said that she never specifically asked Officer A or Subject 1 who arrived at the residence first, she just got the impression that Subject 1 was at home when Officer A arrived.

⁵ House chores, child care, etc.

⁶ Attachment 27. G.O. 04-04 (Procedures for Non-Arrest Situations) Page 5, VI. A.

jumped the gun." Sergeant A further explained that, "now that it's almost two years into being a supervisor, I would have handled that whole situation differently." Sergeant A stated looking back, she would not have had Officers C and B handcuff Officer A. Sergeant A stated that she stood by her statement that Subject 1 never made a complaint of domestic violence to her. Sergeant A said that she "takes domestic violence very serious and if she would have seen physical injuries to Subject 1, she would have taken action herself." (Att. 30, 31)

Approved:

Major Case Specialist A

Supervising Investigator A

CONCLUSION:

COPA recommends a finding of **Not Sustained** for **Allegation #1** against Officer A, that he grabbed and pushed Subject 1 to the floor at XXXXX S. Hamlin Avenue. Subject 1 called 911 and reported that Officer A grabbed and pushed her to the ground. Witness Officer B, said in his statement to IPRA, that during his conversation with Subject 1, she said that Officer A "slammed" her to the ground, but that she did not have any injuries nor did she complain of any. Sergeant A said that during her conversation with Subject 1 at XXXXX S. Hamlin Avenue, she appeared to be intoxicated, she did not have any injuries, nor did she complain of any. In his statement to IPRA, Officer A denied physically abusing Subject 1 in any way and explained that during the argument with Subject 1, he slipped on Lego toys and Subject 1 "retracted back" and fell onto her backside. Officer A explained that prior to the incident, he and Subject 1 were having problems in their relationship and that Subject 1 was unhappy that he accepted a job with the Chicago Police Department because she wanted them to live in Crete, IL. The 911 call and statements of Officers B, A and Sergeant A could not be confirmed because there were no witnesses to the incident and Subject 1 failed to cooperate with the investigation. Thus, her account of the incident remains unknown. What also remains unknown is the question of why did Subject 1 wait three days to file the complaint against Officer A. Consequently, there is insufficient evidence to prove or disprove if Officer A physically abused Subject 1.

COPA recommends a finding of **Sustained** for **Allegation #1** against Sergeant A that she responded to a domestic incident at XXXXX S. Hamlin Avenue, and she failed to initiate a log number and/or complete a case report. Pursuant to the Rule and Regulations of the Chicago Police Department, Rule 3 promotes the Department's efforts to implement its policy or accomplish its goals. G.O. G 04-04 (Preliminary Investigations) states in part, that Department members will prepare the appropriate case report for any bona fide allegation of domestic violence and if an arrest is not made, Department members will document the reason(s) in the narrative of the case report.

The evidence indicates that Sergeant A was aware that she was responding to a domestic incident at XXXXX S. Hamlin Avenue. The OEMC radio transmission verifies that Sergeant A was aware that she was responding to a domestic incident. Officers B and C said that they spoke

to Sergeant A about the incident at the location of the incident, but they do not recall the exact conversation. It is more likely than not, that the officers told Sergeant A about Subject 1's accusation against Officer A. According to Sergeant A, Subject 1 did not tell her that Officer A grabbed and pushed her to the floor, but she knew from the conversation that the incident was domestic related. Sergeant A said that she did not initiate a complaint or generate a case report because Subject 1 did not tell her about Officer A's pushing her and she did not see any evidence of domestic abuse, such as injuries to Subject 1. After reviewing the G.O. G04-04, Sergeant A said that that "as a new sergeant during that time, I jumped the gun." Sergeant A said that, "now that it's almost two years into being a supervisor, I would have handled that whole situation differently. The preponderance of evidence indicates that Sergeant A did not initiate the complaint or complete a case report, not because the incident did not occur, but because she did not believe that the incident was domestic abuse because Subject 1 had no injuries. Sergeant A allowed her personal belief to affect her duties as a sergeant. Nevertheless, by her own admission, and G.O 04-04, COPA recommends a finding of Sustained.

Approved:

Deputy Chief Administrator A